

Appl. No. 10/579,414
Amendment and/or Response
Reply to Office action of 13 May 2008

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REMARKS / DISCUSSION OF ISSUES

Claims 1-4 and 6-21 are pending in the application; claims 13-21 are newly added.

The applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority document(s), and for determining that the drawings are acceptable.

The Office action rejects claims 1, 2, 6, 10, 11, and 12 under 35 U.S.C. 102(e) over Kosmi (USP 7,293,060). The applicants respectfully traverse this rejection.

Claim 1, upon which claims 2-10 depend, recites a player apparatus that includes a control element that is configured to select content material based on preferences of a plurality of users, such that, for each present user, the selection of the content material is based primarily on the dislikes of the user if a playback mode of the user is a first mode, and based on the likes of the user if the playback mode of the user is a second mode. Claims 11 and 12 include similar features.

Kosmi does not teach selecting content material based on preferences of a plurality of users, such that, for each present user, the selection of the content material is based primarily on the dislikes of the user if a playback mode of the user is a first mode. Kosmi teaches selecting content material for a plurality of users, but only the preferences of a single user, the user that initiated the current session, are considered in the selection of content material, and in particular, only the dislikes of this user are considered in refusing to play requested material (Kosmi, column 8, lines 45-46; column 10, lines 39-45).

Because Kosmi fails to teach the elements of independent claims 1, 11, and 12, the applicants respectfully request the Examiner's reconsideration of the rejection of claims 1, 2, 6, 10, 11, and 12 under 35 U.S.C. 102(e) over Kosmi.

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The Office action rejects:

claim 3 under 35 U.S.C. 103(a) over Kosmi and Vong et al. (USP 6,917,373, hereinafter Vong);

claims 4-5 under 35 U.S.C. 103(a) over Kosmi, Vong, and Zamir et al. (USPA 2003/0236582, hereinafter Zamir); and

claims 7-9 under 35 U.S.C. 103(a) over Kosmi and Zamir. The applicants respectfully traverse these rejections.

Each of claims 3-5 and 7-9 are dependent upon claim 1, and in these rejections, the Office action relies on Kosmi for teaching the elements of claim 1. As noted above, Kosmi fails to teach the elements of claim 1. Accordingly, the applicants respectfully request the Examiner's reconsideration of the rejections of claims 3-5 and 7-9 under 35 U.S.C. 103(a) that are based on Kosmi for teaching the elements of claim 1.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the objection(s) and/or rejection(s) of record, allow all the pending claims, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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